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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/747,829

12/29/2003

Shridhar P. Joshi

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6448

30223

7590

06/28/2004

JENKENS & GILCHRIST, P.C.

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EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,829

Applicant(s)

JOSHI, SHRIDHAR P.

Examiner

Robert Mosser

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 94-116 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 94-116 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-01-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 94, 97-98, 100, 101, 104-108, 110, 112-114, are rejected under 35 U.S.C. 102(e) as being anticipated by Acres (US 6,254,483).

Regarding at least claims 94, 100, 101, 106, 110, 113, 114, Acres teaches a method and apparatus for the operation of a gaming terminal wherein the system parameters including sound (Col 3:15-21) may be altered based on the time of the day week, or month (abstract). Acres further teaches that specific times maybe calendar based (Figure 4 & 5). The display (48) of Acres is understood to display randomly determined outcomes (Col 1:10-27).

Regarding at least claim 97, 98, 112 Acres teaches the transmission of sound effects such as music and the like from a centrally located memory device, a CD-ROM drive (Col 4:2-5).

Regarding at least claims 104, 105, 107 and 108, the association of audio output with the outcome of a wagering game and also game/time events not associated with the outcome of the wagering game are understood to be implicit functions of and the purpose for the inclusion of sound in gaming terminals such as the one taught by Acres. Specifically the utilization of sound to indicate a win is used to indicate indirectly that a player has won, thus serving as a form of enticement to other patrons, while the sounds not associated with a win are used in multiple features including attract modes and spin simulation sounds on video slot machines.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 95, 96, 111, and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres (US 6,254,483) in view of Timperley (WO 99/649997)

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Acres teaches the alteration of audio output with/around holidays (Figure 5), however is silent that the newly selected audio output has a theme indicative of that holiday. Timperley however teaches the use of themes including horror and love in an electronic game machine (Page 2 Line 25-35). It would have been obvious to one of ordinary skill in the art at the time of invention have incorporated the themes of Timperley in an audio format into the invention of Acres in order to keep the user entertained through the alteration of terminal audio response.

Claims 99, 102, 103, 109, and 115, are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres (US 6,254,483).

Regarding claims 99 and 115, Acres teaches the inclusion of RAM (Col 5:65-66), ROM (56), and the transfer of the audio information (Col 3:15-20) from a central storage point to the game terminal but, is silent regarding the location of the memory device to the gaming terminal. It would have been obvious to one of ordinary skill in the art at the time of invention to have relocated the memory device into the game terminal in order to reduce the amount of required network transferred data thereby reducing the required amount of computing resources.

Regarding claims 102 and 103, as shown above the system of Acres is time dependent while processing units on both the individual gaming terminals and the server system would be inherently capable of time tracking Acres is not clear as to the exact location where this takes place. It would have been obvious to one of ordinary skill in the art at the time of invention to have included the real time clock either on the

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server system so all the terminal would in turn be reliant on one clock and hence synchronized or in the alternative on the individual terminals in order to reduce network traffic.

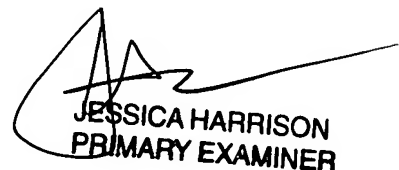
Regarding claim 109, Acres is silent regarding the number of audio data sets stored. It would have been obvious to one of ordinary skill in the art at the time of invention to have stored multiple datasets for producing multiple audio outputs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM


JESSICA HARRISON
PRIMARY EXAMINER